

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Stephen Cate et al.
SERIAL NO. : 09/674,399
FILED : October 31, 2000
TITLE : METHOD AND MEANS FOR FILLING NATURAL CASING
SAUSAGES
Group/A.U. :
Examiner : Daniel Stemmer
Conf. No. : 8426
Docket No. : P03958US1

#12

RECEIVED

13 MAR 2001

RESPONSE TO NOTIFICATION OF
DEFECTIVE RESPONSE ABANDONMENT

International Division

Commissioner for Patents and Trademarks
Box PCT
Washington, D.C. 20231

Dear Sir:

In response to the communication of September 26, 2002, a copy of which is attached, enclosed is a complete declaration and power of attorney executed by all of the inventors. This is to complete the requirements set in the Decision to Vacate Notice of Abandonment dated December 18, 2001.

Please file this declaration and power of attorney with the instant application to put it in condition for acceptance into the national stage under 35 U.S.C. 371.

Also enclosed is a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR

1.137(b) and the required petition fee of \$640 (small entity-

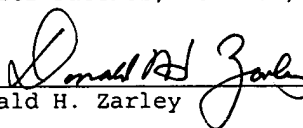
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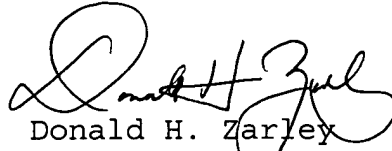
CERTIFICATE OF MAILING (37 C.F.R. § 1.8(A))

I hereby certify that this document and the documents referred to as enclose therein are being deposited with the United States Postal Service as First Class mail addressed to: Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, on this 21st day of November 2002.


Donald H. Zarley

fee). If any additional fees are believed to be due in connection with this response; please charge Deposit Account 50-2098.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Donald H. Zarley", is written over the printed name.

Donald H. Zarley
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- bjs -

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

P03958US1

First named inventor: Stephen Cate

Application No.: 09/674,399

Art Unit:

Filed: October 31, 2000

Examiner: Daniel Stemmer

Title: METHOD AND MEANS FOR FILLING NATURAL CASING SAUSAGES

Attention: Office of Petitions
 Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of Response to Notification of Defective (identify type of reply):

☐ has been filed previously on _____ Response
☒ is enclosed herewith.

B. The issue fee of \$ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Nov 21, 2002
Date

Donald H. Zarley
Signature

Telephone
Number: (515) 558-0200

Donald H. Zarley
Typed or printed name
Capital Square, Suite 200
Address
Des Moines, IA 50309-2350

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: copy of Notice of Defective Response Abandonment (09/26/02)

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Nov. 21, 2002
Date

Donald H. Zarley
Signature

Donald H. Zarley
Type or printed name of person signing certificate